



## HOUSTON INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT

3500 Tampa, Houston, TX 77021

TEL (713) 842-3715 \* FAX (713) 842-3752



## INTERNAL OR ADMINISTRATIVE TRACKING SYSTEM

File No. 01-2023

Complaint Against Rigoberto Saldivar

Complaint Title Improper Police Procedure

Date of Incident December 14, 2021

Date Received January 17, 2023

Case ☒ Open ☐ Close

HPD or HISD Case # None

Complainant Name Tran, Tridung

Charges Filed ☐ YES ☒ NO

HPD or HISD Case # None

## ALLEGATION:

Upon reviewing Officer Rigoberto Saldivar's background packet, several issues were not disclosed nor investigated throughout the background investigation. The issues were the thoroughness of reviewing Officer Saldivar's previous employment with the Pasadena Police Department internal affairs file, a complete detailed explanation of the several issues that Officer Saldivar checked marked "yes" on, and the investigator summary on the background

## RECOMMENDATION:

Termination

## DISPOSITION:

Termination

Case Closed Date 06/30/2023

Type of Record ☐ IAD ☐ Administrative

Reviewed by: Lopez, P.

10/17/2023

MEMORANDUM

January 17, 2023

TO: Rigoberto Saldivar, Police Officer  
Patrol Operations Division

FROM: Willie Demby, Sergeant  
Campus Operation Division

SUBJECT: **INTERNAL AFFAIRS FILE # 01-2023**  
**ALLEGATION: IMPROPER POLICE PROCEDURE**

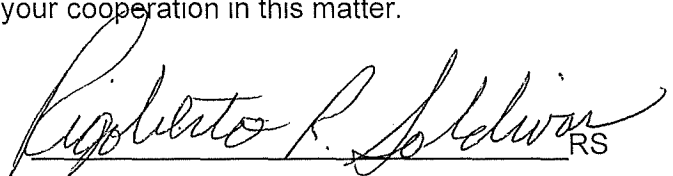
The Houston ISD Police Department is investigating a complaint filed by Tridung Tran. You have been identified as an involved party in an incident that occurred on December 14, 2021. The Police Department is vitally concerned with conducting a complete, impartial, and thorough investigation into this matter as quickly as possible. Your statement will be important in allowing us to make the most accurate determination of the facts.

Pursuant to departmental directive 420-002 Investigation of Employee Conduct, this letter will serve as a formal complaint against you. On December 14, 2021, you submitted your TCOLE personal history statement. This administrative investigation was initiated based on an allegation that you purposely omitted pertinent employment information that would have been used for consideration for your employment with the Houston ISD Police Department. **While this incident is under investigation, you are directed not to discuss or make known any information concerning this investigation with anyone other than your attorney/representative or members of the Internal Affairs Division.**

You will be required to respond to the allegation against you by submitting an Administrative Statement to the Internal Affairs Division when requested. Arrangements (if needed) will be made for you to attend your Administrative Meeting on the scheduled date and time.

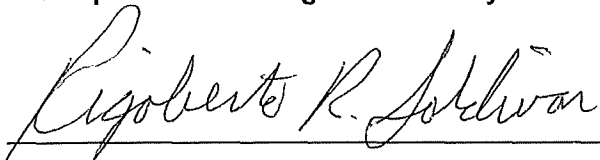
Please contact Sgt. Willie Demby, Investigative Sergeant of the Campus Operation Division at 713-556-1803 if you have any questions regarding this investigation. You may refer to Case Number 01-2023 when speaking to me about your case.

In closing, I would again emphasize how important any information you might have would ensure the proper investigation of this case. I appreciate your cooperation in this matter.

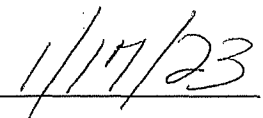
  
RS

**I acknowledge receipt of this letter given to me by the Investigative Sergeant Willie Demby**

Received by



Date



**MEMORANDUM**January 10<sup>th</sup>, 2023

TO: Lucretia Rogers, Assistant Chief of Police  
Police Department

FROM: Tridung Tran, Police Commander  
Patrol Operations

SUBJECT: **IAD REFERRAL**

Upon reviewing Officer Rigoberto Saldivar's background packet, several issues were not disclosed nor investigated throughout the background investigation. The issues were the thoroughness of reviewing Officer Saldivar's previous employment with the Pasadena Police Department internal affairs file, a complete detailed explanation of the several issues that Officer Saldivar checked marked "yes" on, and the investigator summary on the background. Based on the circumstances, I recommend that this be referred to internal affairs for investigation.

  
TNT

CS-M-2023-12

**I.A.D.**  
Case# 01-2023

# HOUSTON ISD POLICE DEPARTMENT

INTER OFFICE CORRESPONDENCE

TO: Pedro Lopez, Jr.  
Chief of Police

FROM: Shamara Garner, Commander  
Support Services

VIA: Lucretia Rogers  
Assistant Chief of Police

DATE: March 22, 2023

SUBJECT: **Complaint of Tridung Tran  
Issue Record #01-2023**

## INVESTIGATION SUMMARY

The attached Internal Affairs Division investigation was conducted by Sergeant W. Demby in response to the complaint of Commander Tridung Tran against **Officer Rigoberto R. Saldivar, employee #171802** of the Patrol Operations. The allegation of Commander Tran against Officer Saldivar is for **"Improper Police Conduct."** It is alleged Officer Saldivar omitted information from the Houston Independent School District Police Department (HISD PD) during his hiring process. That information was pertinent regarding his consideration as an applicant with the police department. This incident took place at 3500 Tampa on December 14, 2021.

Specifically, Officer Saldivar submitted his Texas Commission on Law Enforcement (TCOLE) personal history statement to his HISD PD background investigator on December 14, 2021. It is alleged Officer Saldivar withheld important information from his personal history statement that the Chief of Police would have used as consideration for employment regarding Officer Saldivar.

### **Volunteer Statement of Commander Tridung Tran:**

Commander Tran submitted a voluntary statement dated January 10, 2023. He wrote he reviewed Officer Saldivar's background investigative packet and noted several issues were not disclosed nor investigated. Commander Tran contends the issues were germane to how thorough Officer Saldivar's Pasadena Police Department's internal affairs file was reviewed, discrepancies on the background packet he submitted, and the background investigator's summary.

### **Administrative Statement of Officer Jose Quirin, Officer Saldivar's Background Investigator:**

Officer Quirin submitted an administrative statement dated January 26, 2023. Officer Quirin acknowledged he was temporarily assigned to the investigative division due to the division's lack of Spanish speakers. He further acknowledged he was the investigator assigned to Officer Saldivar's background investigation. Officer Quirin indicated he visited the City of Pasadena's Human Resources office as well as reviewed Pasadena Police Department's internal affairs files salient to Officer Saldivar's employment with that city. According to Officer Quirin, Officer Saldivar had several shooting incidents that were referenced in his internal affairs file, and he documented those incidents within Officer Saldivar's HISD background investigation.

When questioned about a complainant lodged against Officer Saldivar by Ms. Jennifer Audish, Officer Quirin said, to the best of his recollection, he would have included that complaint in Officer Saldivar's HISD background investigation. He further asserted he did not list Officer Saldivar's

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January 12, 2021, shooting because he did not see it in his file, nor did he have any information regarding it.

**Administrative Statement of Officer Rigoberto Saldivar:**

Officer Saldivar submitted an administrative statement dated February 2, 2023. Officer Saldivar acknowledged being employed with the Pasadena Police Department from 1998 to 2021. He stated he recalled being involved in approximately four internal affairs complaints while he was employed with that agency; three were officer involved shootings. Officer Saldivar wrote he did not recall having an internal affairs complaint against him for harassment or sexual harassment while employed with the Pasadena Police Department. However, he contends he did mention in his HISD personal history statement the 2007 misconduct complaint filed against him by Ms. Audish. He further contends he was very transparent with HISD during his hiring process. Officer Saldivar stated he did not see a designated space on the HISD PD personal history application where an officer involved incident could be documented. Therefore, he has been very transparent with the department's hiring process.

It should also be noted that Officer Saldivar included an "Areas of Interest for Chief Pedro Lopez Jr" in which he expressed his appreciation for opportunities afforded to him by the HISD PD. He also expressed his concern that Commander Tran's correspondence seemed to be more concerned with Officer Saldivar's background investigation rather than Officer Saldivar. Officer Saldivar further expressed concerned about answering questions in this investigation that were answered by his background investigator. He also expressed concern about the department's expectation that he self-discloses information that he was expected to determine its importance to the department.

**CONCLUSION**

This investigation determined the current version of the HISD PD background investigation template does not mandate self-disclosure of officer involved shootings regarding applicants with previous law enforcement experience. Consequently, the background investigator is expected to seek and include that information within their investigative report. They are to seek permission from the previous agency(s) to view internal affairs records and record their findings within the Character of Investigation section of their report. Regarding this report, Officer Quirin included three officer involved shootings in the Character of Investigation section of Officer Saldivar's background investigation; however, Officer Saldivar had four officer involved shootings. The January 12, 2021, shooting was not included. It was not mentioned or referenced within his HISD PD background investigation. According to Officer Quirin, that shooting incident was not included in Officer Saldivar's Pasadena Police Department records; therefore, he had no knowledge of it. This investigation could not confirm nor refute that information.

Officer Saldivar contends his personal history questionnaire, nor his background investigator asked him about his officer involved shootings. According to Officer Saldivar, the personal history statement included in his HISD PD background investigative packet did not have a designated area for him to mention any of his officer involved shootings; and as such, he was not deceitful, nor did he intentionally withhold pertinent information from the department.

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As a result of the January 12, 2021, shooting incident, Officer Saldivar was criminally indicted by a Harris County Grand Jury on January 4, 2023.

This internal affairs investigation substantiated the allegation that Officer Saldivar omitted pertinent employment information during his HISD PD background investigation, information that could have been used for hiring consideration. Specifically, Officer Saldivar had an officer involved shooting on November 21, 2018. As a result of that shooting, family members of the plaintiff filed a civil lawsuit against Officer Saldivar and the City of Pasadena. Specifically, civil action No. 4:20-cv-03799 was filed in the United States District Court for the Southern District of Texas Houston Division on the behalf of Kristine Schenk, et. al. The file date was November 9, 2020. Officer Saldivar's HISD PD background investigation is dated January 26, 2022. As such, this lawsuit was filed before Officer Saldivar applied to the HISD PD and should have been included in his TCOLE personal history statement.

Within the Legal section of the TCOLE personal history statement is the following question, "Have you ever been a party in a civil lawsuit (e.g., small claims actions, dissolutions, child custody, paternity, support, etc.)?" Officer Saldivar's answer stated "yes." His explanation is as follows, "Was involved in litigation and won custody of my children in 2013 after my divorce. Police were called several times to my residence as a result of my ex-wife causing a disturbance in front of my residence." Although Officer Saldivar answered yes to the question, his explanation omitted applicable information; information regarding the civil lawsuit filed by the Schenk family regarding the 2018 officer involved shooting. It is reasonable to believe that having knowledge of that lawsuit would have been pertinent to his background investigative report and his employment suitability.

The disqualifications disclaimer of the personal history statement states, "...However, deliberate misstatements or omissions can and often will result in your application being rejected, regardless of the nature or reason for the misstatement/omissions. In fact, the number one reason individuals 'fail' background investigations is because they deliberately withhold or misrepresent job-relevant information from their prospective employer. This personal history statement is a government document. Be truthful, as there are criminal consequences for lying on a government document."

In addition to the Schenk lawsuit, civil action No. 4:22-cv-03571, Jury Trial Demanded "Randy Aviles Plaintiff vs Rigoberto Saldivar and the City of Pasadena, Texas" was filed on November 14, 2022. The Certificate of Service serve date is dated November 14, 2022. Officer Saldivar's HISD PD background investigative packet is dated January 26, 2022. The Aviles lawsuit was filed after Officer Saldivar became a HISD police officer, and as such, it would have been prudent for Officer Saldivar to inform the department.

According to the TCOLE personal history statement, misstatements and omission of information are grounds for disqualification. Officer Saldivar acknowledged his involvement in civil litigation regarding child custody, but he failed to include civil litigation regarding officer involved shootings, something that is pertinent to his application to become an officer with the HISD PD. Although the TCOLE personal history statement does not specifically address civil litigation germane to actions taken under the color of law, the question of whether Officer Saldivar had ever been a party in a civil lawsuit can be reasonable applied to actions taken because of his employment as a peace officer.

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The TCOLE personal history statement is a government document. This investigation determined Officer Saldivar omitted information from it during his hiring process, and that information was pertinent regarding his consideration as an applicant with the police department. As such, I respectfully recommend the conduct alleged, **Truthfulness**, be classified as **SUSTAINED**.

Additionally, this investigation determine Officer Saldivar was served notice regarding the Randy Aviles lawsuit after he became a HISD PD officer. He failed to act prudently and notify the department of this lawsuit. Events referenced in the lawsuit are the bases of which a Harris County Grand Jury chose to criminally indicted Officer Saldivar. That indictment brought reproach and embarrassment to the department. Department Directive 420-001, Conduct and Authority, Sound Judgment states,

*"Employees are expected to exercise sound judgment at all times. Employees' behavior shall be limited to conduct that is reasonable and prudent. No employee shall commit any act on duty or off-duty in an official or private capacity that may bring the department reproach, discredit, or embarrassment."*

Therefore, I respectfully recommend the conduct not alleged, **Sound Judgment**, be classified as **SUSTAINED** against Officer Saldivar.

**RECOMMENDATION**

Based on the findings of the investigation, the following is recommended.

Officer: Rigoberto Saldivar, Employee #171802  
Patrol Command

Allegations: Improper Police Conduct  
Sound Judgement  
Directive 420-001

**SUSTAINED**

Truthfulness  
Texas Commission on Law Enforcement  
Personal History Statement

**SUSTAINED**

  
Shamara Garner, Commander  
Support Services

SG:SG

# HOUSTON ISD POLICE DEPARTMENT

## INTEROFFICE CORRESPONDENCE

TO: Pedro Lopez, Jr.  
Chief of Police

FROM: Willie Demby, Sergeant  
Patrol/Campus/Support Division

VIA Shamara Garner, Commander  
Support Services Division

Date: January 15, 2023

Lucretia Rogers  
Assistant Chief of Police

SUBJECT: **Complaint of Tridung Tran  
Issue Record #01-2023**

## INVESTIGATIVE REPORT

### INTRODUCTION

This Internal Affairs Division investigative report responds to the complaint of Commander Tridung Tran, employee#70316, against Officer Rigoberto R. Saldivar, employee #171802, of the Patrol Command. The allegation of Tridung Tran against Officer Rigoberto Saldivar is for "Improper Police Procedures." It is alleged that Officer Rigoberto Saldivar purposely omitted pertinent employment information that would have been used for consideration for employment with the Houston ISD Police Department. This incident took place at 3500 Tampa on December 14, 2021, at an unknown time.

Specifically, on December 14, 2021, Officer Rigoberto Saldivar turned in his TCOLE personal history statement. Officer Saldivar purposely omitted pertinent information that the Chief of Police would have used for consideration for employment with the Houston ISD Police Department.

### CHAPTER 614 REQUIREMENTS

#### Discovery

The date of the incident was December 14, 2021. The department discovered this incident on January 4, 2023. The department became aware of the incident when Officer Rigoberto Saldivar was indicted by the Harris County Grand Jury on January 4, 2023. The supervisor first discovering or who first became aware of this incident for the department was Commander Tridung Tran on January 4, 2023.

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### **Complaint Requirements**

This investigation is based on a complaint made by a peace officer. There is no citizen complainant in this case. The peace officer is Commander Tridung Tran of the Houston ISD Police Department.

### **COMPLAINANT STATEMENT**

**Voluntary Statement of Commander Tridung Tran, Employee #70316, Patrol Command, Day Shift 0600-1400. Station Address – 3500 Tampa, Houston, Texas 77021. Station Telephone – (713) 842-3715.**

**Relationship:** Commander Tridung Tran reviewed and observed several issues that Officer Rigoberto Saldivar failed to disclose in his background investigation

**The following is Commander Tridung Tran's voluntary statement verbatim. The original is included in this investigative package's "Record of Complaint" section. The grammar, spelling, punctuation, and context were not changed.**

Commander Tridung Tran's voluntary statement, dated January 10, 2023

*Upon reviewing Officer Rigoberto Saldivar's background packet, several issues were not disclosed nor investigated throughout the background investigation. The issues were the thoroughness of reviewing Officer Saldivar's previous employment with the Pasadena Police Department internal affairs file, a complete detailed explanation of the several issues that Officer Saldivar checked marked "yes" on, and the investigator summary on the background. Based on the circumstances, I recommend that this be referred to internal affairs for investigation.*

**End of voluntary statement – Commander Tridung Tran.**

A criminal history check on Commander Tridung Tran indicates that he has no arrest history.

### **WITNESS STATEMENTS**

None

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### OFFICER STATEMENTS

Administrative Statement of Officer Jose Quirin, Employee #96182 Campus Operation Command, Day shift, 0800-1600. Station Address – 3500 Tampa Street, Houston, Texas 77021. Station Telephone – (713) 842-3715.

**Relationship:** Officer Jose Quirin was the background investigator.

#### Chapter 614 Requirements

On January 26, 2023, Sergeant Willie Demby met with Officer Jose Quirin at 3500 Tampa Street and gave him a 48-Hour Notice and a Confidential Documents Warning, which included a copy of the Letter of Notification.

Sergeant Willie Demby did not interrogate Officer Jose Quirin or require any response from him until January 30, 2023, at 0730 hours, which is at least 48 hours after he was given notice. Officer Jose Quirin was not interrogated or asked to respond to any other allegations. Officer Jose Quirin submitted his statement on January 30, 2023, at approximately 0730 hours, to Sergeant Willie Demby of the Campus Operations Division.

**The following is Officer Jose Quirin's administrative statement verbatim. The original is included in the "Statements" section of this investigative package. The grammar, spelling, punctuation, and context were not changed.**

Officer Jose Quirin's administrative statement, dated January 26, 2023

*On Thursday, January 26, 2023, 7:30AM at 3500 Tampa St., I Officer Jose A. Quirin unit #3C23 currently assigned to the Campus Bureau was ordered to submit this report / statement by Houston ISD PD Sgt. Willey Demby, which pertains to an IAD complaint pertaining to when I was assigned to the Investigation Division under my unit #1P16 on or about January 2021. I submit this report at his order as a condition of employment. In view of possible job forfeiture, I have no alternative but to abide by his order. It is my belief and understanding that the department requires this report / solely and exclusively for internal purposes and will not release it to any*

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*other agency. It is my further belief that this report / statement will not and cannot be used against me in any subsequent proceedings other than disciplinary proceedings within the confines of the department itself. For any and all other purposes, I hereby reserve my constitutional right to remain silent under the Fifth and Fourteenth Amendments to the United States Constitution and any other rights prescribed by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in Garrity vs. New Jersey, 385 U.S. 551 (1956), should this report / statement be used for any other purpose of whatsoever kind or description."*

*I received a 6.14 Notice addressing an Administrative Complaint brought forth addressing a named individual and concerning a potential violation of Administrative Guideline "Improper Police Procedure." There are (20) questions I was ordered to provide a statement addressing the question(s) which pertains to the individual listed on a background investigation I was assigned to conduct and complete.*

**Question number 1** – *Were you assigned to HISD Police Investigation Division in January 2022.*

*Yes, I Officer Jose A, Quirin was temporarily assigned to the investigation division under my unit #1P16 as a bilingual officer was needed at the time.*

**Question number 2** – *Did you know Officer Rigoberto Saldivar prior to him becoming a Houston ISD Police Officer?*

*No, I had never seen nor heard of Officer Rigoberto Saldivar prior to having his application assigned to me for his background investigation as a candidate for employment.*

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**Question number 3** – *Did you conduct the Houston ISD background investigation for Police Officer Rigoberto Saldivar? If so, how long did it take to complete your background investigation?*

*Yes, I conducted the background investigation, and we were placed on a deadline of 2 weeks to complete the backgrounds. So, I would have to say 2 weeks.*

**Question number 4** – *Who assigned you the to conduct the background investigation of Police Officer Rigoberto Saldivar?*

*I cannot remember due to there were some instances where Sgt Quintanilla would assign them and then there were other times when Captain Flannel would assign the backgrounds.*

**Question number 5** – *Did you visit City of Pasadena and look at the Police Officer Rigoberto's Saldivar's Human Resource file? If so, what if anything did you find that have been of concern regarding Officer Saldivar being hired as Police Officer with HISD?*

*Yes, I did visit Human Resources after reviewing his IAD files. I just remember that he had several and various department commendations in his personnel file and several IAD files all of the shootings which I am sure I noted by documenting them on his background file.*

**Question number 6** – *Did you look at his Pasadena Internal Affairs file. If so, what did If you find negative inside his file? Please detail your response.*

*Yes, this was the first place I went to before the Human Resource Office. The negative part was he had several IAD files and all pertaining to the shootings he was*

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involved in at the time employment. Which I noted by documenting on his background investigation.

**Question number 7** – Did you find Internal Affairs complaints inside Police Officer Rigoberto's file? If so, what were the complaints regarding? Please detail your response.

No, I did not find any because they keep IAD files separate from personnel files, and the IAD files are located at the Pasadena Police Department's IAD Division 1149 Ellsworth Drive, Pasadena, Texas 77506.

**Question number 8** – Did you list the Pasadena Police IAD case (Control) numbers inside your investigative report? If not, why? Please be detailed with your response.

To best of my recollection I would have documented them with the synopsis of the facts gathered.

**Question number 9** – Did you observe the complaint filed by Ms. Jennifer Audish against Officer Rigoberto Saldivar for misconduct (Harassment) in his file? If so, why didn't you list this incident in your background report? If so, why didn't you list this incident in your background report? Please be detailed with your report.

To the best of recollection, I did with the following information, I would have done it with a synopsis of the complaint and disposition. In other words, it would be listed as of 11/08/2008 Complaint: Misconduct – Class I / Complainant: Jennifer Audish Investigator: Lt. Rick Styrom Disposition: Not Sustained.

**Question number 10** – You listed three shootings in your HISD PD background investigative report; why did you not list the IAD Case Control numbers? Please be detailed with your response.

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*Again, to the best of my recollection I would have done it with a synopsis and disposition.*

*11/08/2006 Control #991 Case #2006-27680 Complaint: Misconduct – Class I  
Complainant: Jennifer Audish Investigator: Lt. Rick Stryrom IAD Disposition: Not Sustained.*

*02/07/2009 Control #1073 Case #09-3288 Complaint: Discharging of Firearm  
Complainant: Chief of Police Investigator: Lt. Mike Reiss IAD Disposition: Justified.*

*04/16/2018 Control #1274 Case #18-7963 Complaint: Officer Involved Shooting  
Complainant: Chief of Police Investigator: Sgt Craig Hamilton IAD Disposition: Exonerated.*

*11/21/2018 Control #1286 Case #18-19189 Complaint Serious Misconduct,  
Complainant: Chief of Police Investigator: Sgt Craig Hamilton IAD Disposition: Justified "Grand Jury No Bill"*

**Question number 11** – *Did you run a history check to see if Rigoberto Saldivar was a party to any civil lawsuits? Did you list all the civil lawsuits in your investigative report? If not, why? Please be detailed with your response.*

*A criminal history was done initially, and a personal history check would been conducted, but I do not remember if this was the time as a unit, we were shut out of TLO accounts due to non-payment via the department.*

**Question number 12** – *Did you request all police reports from Pasadena, where Officer Rigoberto Saldivar was a suspect, Complainant, Witness or Reportee? If not, why? Please be detailed with your response.*

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*I do not remember if I requested them at the time so I would not be able to provide an answer.*

**Question number 13** –*Why was Officer Rigoberto Saldivar's shooting that occurred on January 12, 2021, not included in your investigative report? Please be detailed with your response.*

*I did not have any particulars, nor did I see anything pertaining to this such incident or file. Again, the only ones I reviewed were the following: Control #1286 Case #18-19189, Control # 1274 Case #18-7963, Control #1073 Case #09-3288 and Control #991 Case #2006-27680.*

**Question number 14** –*While the Pasadena Police Department employed Officer Saldivar, was he ever relieved of duty? If so, when? Please be detailed with your response.*

*I do not remember if he was ever relieved of duty. I can only assume during the times he was involved in the shootings, and as he was being investigated.*

**Question number 15** –*Was Officer Rigoberto Saldivar terminated from Harris County Precinct Constable's Office? If so, why wasn't it listed in the issues section of your report? Please be detailed with your response.*

*Again, to my recollection Harris County Constable's Office Precinct 2 had no information due to a different Constable(s) at the time he was employed with them. Houston ISD also could not find anything on him even after he had been employed with Houston ISD Police Department. I documented all of this on the background report.*

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**Question number 16** – You were required to check with each place Officer Rigoberto Saldivar has lived. worked and attended college or military any base to which he had been assigned. Did you all locations? If not, why? Please be detailed with your response.

To my recollection I would've have done that as you say you are required as part of the complete background investigation.

**Question number 17** – Who was the Pasadena Police Sergeant you spoke to regarding Officer Rigoberto Saldivar's background?

When I called to make an appointment and view personnel file of Rigoberto Saldivar's along with IAD files it was with a Sgt. E.K. Fickessen who was assigned to the Internal Affairs Division / Public Integrity Unit.

**Question number 18** – When Officer Rigoberto Saldivar retired from Pasadena Police Department did, he retired under an agreement with that department or on his own. If under an agreement what were the circumstances? Please be detailed with your response.

It was my understanding it was on his own.

**Question number 19** – Did you recommend Officer Rigoberto Saldivar for employment with the Houston ISD Police Department? If so, why Please be detailed with your response.

No, we were advised that our duty as a Background Investigator was to gather all information write it up and submit up the Chain of Command. The decision was with the upper Chain of Command on the recommendation to hire or decline employment.

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**Question number 20** –Please include or add any information you believe is relevant to this investigation.

*I do not have anything else to add currently.*

*Respectfully,*

*Officer J. Quirin*

**End of administrative statement – Officer Jose Quirin.**

**Administrative Statement of Officer Rigoberto Saldivar Employee #171802 Patrol Operation Command, Day shift, 0800-1600. Station Address – 3500 Tampa Street, Houston, Texas 77021. Station Telephone – (713) 842-3715.**

**Relationship:** Officer Rigoberto Saldivar is the target of this investigation.

#### **Notification Requirement**

On January 17, 2023, Sergeant Willie Demby issued Officer Rigoberto Saldivar a written Letter of Notification informing him of the nature of the investigation. Specifically, he was informed of the complainant's name and the nature of the allegation filed. The Letter of Notification was delivered in person.

#### **Chapter 614 Requirements**

On January 31, 2023, Sergeant Willie Demby met with Officer Rigoberto Saldivar at 3500 Tampa Street, Houston, Texas 77021, and gave him a 48-Hour Notice, Confidential Documents Form, and Garrity/Confidentiality Warning, which included a copy of the written Letter of Notification. Officer Rigoberto Saldivar was also provided with a copy of the following documents:

1. Letter of Notification
2. Record of Complaint against Officer
3. Officer Rigoberto Saldivar Personal History Statement
4. The City of Pasadena Police Department Complaint letter dated January 13, 2021
5. Record of the Complaint City of Pasadena Police Department Dated January 13, 2021
6. Record of Receipt of Complaint from Pasadena Police Department dated January 13, 2021
7. Administrative Leave with Pay letter from Pasadena Police Department dated January 13, 2021
8. Federal Lawsuit Kristine Schenk vs. Officer Rigoberto Saldivar

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9. Administrative statement of Officer Jose Quirin
10. Letter of disposition from Pasadena Police Department IAD Control#991. Complainant Ms. Jennifer Audish.
11. Agreement to retire from the Pasadena Police Department on July 9, 2021.

Sergeant Willie Demby did not interrogate Officer Rigoberto Saldivar or require any response from him until February 2, 2023, at 1030 hours, which is at least 48 hours after he was given notice. Officer Rigoberto Saldivar was not interrogated or asked to respond to any other allegations. Officer Rigoberto Saldivar submitted to an administrative interview on February 2, 2023, at approximately 1030 hours, with Sergeant Willie Demby of the Campus Operation Division.

**Investigator's Note: None**

**The following is Officer Rigoberto Saldivar's administrative statement verbatim. The original is included in the "Statements" section of this investigative package. The grammar, spelling, punctuation, and context were not changed.**

Officer Rigoberto Saldivar's administrative statement, dated February 2, 2023

**Administrative Statement for Internal Affairs File # 01-2023 by Houston ISD  
Police Officer Rigoberto Saldivar**

*On February 2, 2023, at 10:30 a.m. at Houston Independent School District Police Department located at 3500 Tampa St., Houston, Texas 77021, I was ordered to give this statement by Sgt. Demby. I give this statement at his order as a condition of employment. In view of possible job forfeiture, I have no alternative but to abide by this order.*

*It is my belief and understanding that the Department requires this statement solely and exclusively for internal purpose and will not release it to any other agency. It is my further belief that this statement will not and cannot be used against me in any subsequent proceedings other than disciplinary proceedings within the confines of the Department itself.*

*For all other purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights PRESCRIBED by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in GARRITY vs. New Jersey, 385 US 493, and Spevack vs. Klein, 385 US 551, should this statement be used for any other purpose of whatsoever kind or description.*

1. *I was employed with the Pasadena Police Department from 1998 to 2021 for approximately 22 years.*

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2. *From what I can recall I have had approximately four Internal Affairs Division investigations during my tenure with the Pasadena Police Department.*
3. *While employed with the Pasadena Police Department I do not recall any IAD complainants filed against me for harassment or sexual harassment, although I cannot be certain that the word harassment was not used in the complainant discussed in #4.*
4. *In 2007 a Misconduct Complaint (IAD control #991) was filed against me by Jennifer Audish which I disclosed in my Houston ISD history statement. I believe it was filed in retaliation for a previous civil suit I filed against her for damaging my personal vehicle. The criminal mischief offense was investigated by the Deer Park Police Department where she failed a polygraph test during the investigation. The Misconduct Complainant was later considered Not Sustained by the Chief of Police.*
5. *During my employment with the Pasadena Police Department I was never relieved of duty/leave for punishment or as a result of a disciplinary action. I was placed on administrative duty/leave with pay per Post-Incident-Procedure (PPD Procedure Manual Section D1.7.5) during all three of my Officer Involved Shootings. I do not believe that I was asked about this type of administrative duty during the background and there was certainly no intention to conceal this information.*
6. *I have been involved in three Officer Involved Shootings during my career with the Pasadena Police Department.*
7. *No. I was not asked by the Houston Independent School District Police Department or background investigator about shootings.*

*I have been completely transparent with all HISD employees regarding my experience level including all my Officer Involved Shootings which I have shared with my training sergeant and fellow police officers.*

8. *In November of 2018, I was involved in an Officer Involved Shooting with Nathan Schenk. The Nathan Schenk family later filed a lawsuit against the City of Pasadena listing me as one of the defendants. I did not see a designated space on the HISD Police personnel history application where an officer involved incident could have been documented.*
9. *The Pasadena Police Department per procedure conducted a thorough investigation regarding the Nathan Schenk Shooting. I did not see a designated space on the HISD Police personnel history application where an officer involved incident could be documented.*

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10. The Pasadena Police Department per departmental procedure conducted an Internal Affairs Investigation regarding the Nathan Schenk's shooting filed by the Chief of Police.

*The case was cleared by the Pasadena Police Department.*

11. On January 12, 2021, while employed with the Pasadena Police Department, I was involved in an Officer Involved Shooting with Randy Aviles. Had I been asked any questions by my background investigator regarding this incident, I would have disclosed the details to this case upon request. I did not see a designated space on the HISD Police personnel history application where any officer involved incident could be documented.

12. Randy Aviles did file a civil suit against the City of Pasadena listing me as a defendant. The suit was filed almost two years to the anniversary of the shooting which was approximately eight months after I had already been employed with Houston ISD Police Department, so it was not on my personal history statement.

13. The Pasadena Police Department per departmental procedure conducted an Internal Affairs Investigation regarding the shooting of Randy Aviles by the Chief of Police. I did not see a designated space on the HISD Police personnel history application where an officer involved incident could be documented.

14. I was unaware that I was supposed to disclose this specific incident to my background investigation who had access to my employment jacket. If I would have been asked any questions by my background investigator regarding the Randy Aviles incident, I would have certainly disclosed the details of this case upon request.

15. I have never been questioned by the Harris County District Attorney's Office regarding any "felony offenses". I have provided a walk through with the Harris County District Attorney's Office Shooting Team as part of procedure during two of my shootings. I have also provided answer for questions as part of procedures for the Pasadena Police Departments Internal Affairs Division Investigation on two of my shootings which involved injury and or death.

16. I was involved in a civil suit where I sued my neighbor for damaging my vehicle. I was also involved in two civil suits involving Officer Involved Shootings. I was involved in a civil suit involving a creditor resulting from my divorce in 2013.

17. I have been very transparent with the Houston ISD hiring process. After receiving these questions, I believe the Houston ISD police history statement application and

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*background process needs to be updated to provide the information the department believes is relevant to the hiring process.*

- 18. When I decided to retire from the Pasadena Police Department, I did retire with an agreement with Chief Bruegger. Honorable discharge designation on my F-5 and I would also receive my retiree badge and ID and a shadowbox as an honorably retired peace officer.*
- 19. If I would not have retired from the Pasadena Police Department, my intent was that I would still be working there.*
- 20. The Chief did not have to send me an agreement to retire. Since the investigation was still pending into my last shooting, I inquired into the status of my retirement*
- 21. I retired from the Pasadena Police Department because I felt the administration was headed in the wrong direction.*

*Areas of Interest for Chief Pedro Lopez Jr.:*

- 22. Chief Lopez, First and foremost, I appreciate the opportunities I have had to date as a police officer for the Houston Independent School District Police Department. From application and up until a day and a half ago when I was served a 48-hour notice of complaint filed by Commander Tran I have felt that I have found a home and felt blessed that I had another Community to serve. Since I received that notice, as a tenured officer who has retired honorably from my previous Department of over two decades, I am confused and feel concerned about the ambiguity of the original complaint that reads as though the Commander is complaining about the conduct and or performance of the background investigator who was involved in my hiring process as much if not more than about me.*

*I am concerned about my ability to answer the same questions that were initially answered by the background investigator during my application process. Was my original application and background documentation not reviewed before these questions were prepared, approved, and submitted to me?*

*A number of these questions include the query of "why I didn't disclose incidents during the background investigation." Chief Lopez, There is no substitute for a good and thorough background investigation in the hiring process and I support that process. Based on Commander Tran's complaint and the questions submitted to me, it is my opinion that the conduct and performance of the background investigator is at issue. Especially if I am being investigated on how I as an applicant, was to try and decide what is important to H.I.S.D. in self-disclosure as a substitute for a comprehensive background investigation.*

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*Lastly, I have been honest and transparent during the hiring process and I felt and do feel honored to serve the H.I.S.D. Community. When I retired from the Pasadena Police Department I did not take the decision to apply, go through the application process, or accept my current position lightly. This was my decision for my family, and for my future and I look forward to my continuous service with H.I.S.D.*

*Respectfully Submitted,*

*Rigoberto Saldivar*

**End of administrative interview – Officer R. Saldivar.**

### **PHYSICAL EVIDENCE**

All items of physical evidence, which are included in this section, are attached to this investigative package in the “Miscellaneous” section unless otherwise noted

### **Incident Report**

There was no incident report generated relating to this investigation.

### **Qualification Records**

The firearm Qualification Records of Officer Rigoberto Saldivar are attached to this investigative package. The records indicate that Officer Rigoberto Saldivar successfully qualified with his 9M caliber Sig Sauer Model P320 duty weapon, Serial #58J326577, on March 3, 2022, with a score of an unknown score. This firearm is semi-automatic.

### **Criminal Histories**

None required

### **Letters of Notification to Officers**

Upon receiving this investigative package from Assistance Chief Lucretia Rogers, Sergeant Willie Demby generated a Letter of Notification to the officer involved in this incident. The letter informed the officer of the nature of the allegations filed and the name of the complainant. The letter is attached to this investigative package.

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**PRESENTATION OF FACTS TO THE DISTRICT ATTORNEY'S OFFICE**

N/A

**CRIMINAL CHARGES FILED**

There were no criminal charges filed related to this Internal Affairs Division investigation.

**ADDITIONAL INFORMATION**

Officer Jose A. Quirin conducted the background investigation report for Officer Rigoberto Saldivar. This investigation found that Officer Quirin needed to document all of Officer Rigoberto Saldivar's Internal Affairs investigations. However, officer Quirin failed to document a class 1 misconduct complaint by Jennifer Audish on July 8, 2008. Also, Officer Saldivar was involved in an Officer involved shooting on January 12, 2021, which was not included in his Houston ISD Police Department background investigation report.

Officer Quirin was required to check with each place an applicant has lived, worked, gone to college, or military bases that any applicant has live. Officer Rigoberto Saldivar had several Police reports from the Pasadena Police Department regarding his Officer Involved shooting that was not listed in the background investigation report.

This information that was not included in Officer Rigoberto's background investigation was pertinent information that would have been used for consideration for employment with the Houston ISD Police Department.

Sergeant Willie Demby reviewed Officer Rigoberto Saldivar's TCOLE Personal History Statement and observed on page 25, under section 8; Officer Saldivar was asked if he had ever been detained for any investigation, held on suspicion, questioned in this state or any other legal jurisdiction. Additionally, Officer Saldivar was interviewed (asked) by a Pasadena Police Department Internal Affairs Investigator regarding several shootings he has been involved in while employed as a Pasadena Police Officer. Officer Saldivar checked "no" on the box when he answered that question. Therefore, Officer Saldivar was untruthful when asked this question on his TCOLE History Statement.

Officer Saldivar was asked question number 8; Have you ever been a party in a civil lawsuit? Officer Saldivar did answer "yes" but failed to disclose that he was also being sued in Federal Court for two Officer Involved Police Shooting that occurred in 2018 and 2021.

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**PRESENTATION OF FACTS TO THE DISTRICT ATTORNEY'S OFFICE**

N/A

**CRIMINAL CHARGES FILED**

There were no criminal charges filed related to this Internal Affairs Division investigation.

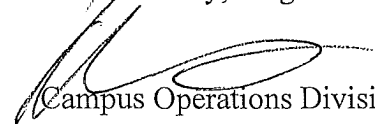
**ADDITIONAL INFORMATION**

None

**Scene Description/Location**

This incident took place at 3500 Tampa Street, Houston, Texas, 77021.

Willie Demby, Sergeant



Campus Operations Division